

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the matter of:)
)
SAEID SHAFIZADEH)
)
COMPLAINANT)
)
v.)
)
CINGULAR WIRELESS-KENTUCKY)
)
DEFENDANT)

CASE NO.: 2003-00400

COMPLAINANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENT PROPOUNDED UPON DEFENDANT
CINGULAR WIRELESS-KENTUCKY

*** **

Pursuant to the Order of the Public Service Commission ("Commission") entered on February 24, 2004, the defendant Cingular Wireless-Kentucky ("Cingular") shall answer each of the following Interrogatories under oath, in writing, separately, in the fullest detail possible and in accordance with the definitions and instructions set forth below. Pursuant to the said Order, the answers shall be served no later than ten (10) days after the service of these interrogatories and within the limitations prescribed by the subject Order.

Furthermore, Cingular is under a duty seasonably to amend a prior response if it obtains information which indicates, establishes or infers that the prior response was incorrect or incomplete when made, or that the response, though correct when

made, is no longer true. In addition, Cingular is under the duty seasonably to supplement his responses with respect to any interrogatory directly addressed to (1) identity and location of persons having knowledge of discoverable matters, and (2) the identity of each person expected to be called as an expert witness at trial, the subject matter on which he or she is expected to testify, and the substance of his or her testimony. Pursuant to the provisions of the said Order, Complainant requests that Cingular within ten days after the service of this request and within the limitations prescribed by the subject Order, to produce each document the production of which is requested.

DEFINITIONS

1. As used herein, the terms "it," "you," "your," and "yourself," refer to the defendant answering these requests and to any domestic and/or international subsidiary of Cingular, its employees, agents, contractors, representatives and attorneys, as well as each person acting or purporting to act on their behalf.

2. As used herein, the term "representative" means any and all agents, any domestic and/or international subsidiary of Cingular, its employees, servants, officers, directors, attorneys or other persons acting or purporting to act on behalf of the person in question.

3. As used herein, the term "person" means any natural

individual (in any capacity whatsoever) corporation (private or public), limited liability company, society, partnership, joint venture, voluntary or unincorporated association, organization, bureau, department or other entity of whatsoever kind or nature.

4. As used herein, the term "document" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, deed, map, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was but is no longer in your possession, custody or control.

5. As used herein, the term "communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including but not limited to, correspondence, conversations, dialogues, discussions,

interview, consultations, agreements and other understandings between or among two or more persons.

6. As used herein, the terms "identification", "identify", and "identity" when used in reference to (a) a natural individual, requires that you state his or her full name and residential and business addresses, all other names and aliases ever used, date of birth, educational institutions attended and/or attending, course of study, type of degrees earned and/or earning, occupation and job title (b) a corporation or LLC, requires that you state its full name and any names by which it does business, its state of business and addresses of all of its offices in Kentucky, (c) a business, requires that you state its full name and style under which the business is conducted, its business address or addresses, the type of business in which it is engaged, the geographic address in which it conducts those businesses, and the identity of the person or persons who own, operate and control the business, (d) a document, requires that you state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors recipients and its present location and custodian, (e) a communication, requires that you, if any part of the communication was non-written, to identify the persons participating in the communication and state the date, manner place and substance of the communication.

INSTRUCTIONS

1. With respect to each Interrogatory, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each Interrogatory and your answer thereto.

2. If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or other reason, then do the following with respect to each and every document;

(a) describe the nature of the document (e.g., letter or memorandum);

(b) state the date of the document;

(c) identify the person who sent and received the original and a copy of the document;

(d) state in as much detail as possible the contents of the document; and

(e) state the manner and disposition of the document.

3. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of attorney/client privilege, the work product doctrine or other ground, then do the following with the respect to each and every document:

(a) describe the nature of the document (e.g., letter or memorandum);

- (b) state the date of the document;
- (c) identify the persons who sent and received the original and all copies of the document;
- (d) state the subject matter of the document; and
- (e) state the basis on which you contend that you are entitled to withhold a document from production.

4. When an Interrogatory requires you to state the basis of a particular defense, contention or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports or refers to or evidences such defenses, contention or allegation.

5. When an Interrogatory requires you to "state a fact or legal theory," state in your answer all facts, circumstances, conditions or things about the subject of the interrogatory known by you to exist or believed by you to exist as of the date the interrogatories are answered and the application of the legal theory to those facts, circumstances, conditions or things.

6. As used herein, the word "or" appearing in an Interrogatory should not be read so as to eliminate any part of the Interrogatory, but whenever applicable should be interpreted as having the same meaning as the word "and" for example, an Interrogatory stating "support or refers" should be read as "support and refers" if an answer that does both can be made.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify the person or persons answering or participating in preparing the answers to this interrogatories on behalf of Cingular, by giving full name, all other names and aliases ever used, date of birth, residence address(es), business address(es), occupation, job title or capacity, each and every person with whom each consulted, relied, or otherwise constituted a source of information in preparing responses, and for each person, please list the number(s) of Discovery Requests for which each helped to prepare responses.

ANSWER:

INTERROGATORY NO. 2: Please identify by name, address and percentage of interest, all persons, corporations, companies, parent companies, organizations, firms, partnerships, limited liability companies, proprietorships and any other form of business entity with an interest in the ownership, control, or operation of, or revenue from Cingular;

ANSWER:

INTERROGATORY NO. 3: Please identify by name and address, all persons, corporations, companies, parent companies, organizations, firms, partnerships, proprietorships and any other form of business entity including assumed names in which Cingular

has an interest or on which Cingular exercises any control and/or authority;

ANSWER:

INTERROGATORY NO. 4: Please describe in details the businesses of Cingular and the products and services it offers.

ANSWER:

INTERROGATORY NO. 5: Please identify by name and address the insurer(s) of Cingular's operation;

ANSWER:

INTERROGATORY NO. 6: Please identify the litigation department of Cingular by providing full address, telephone number and the name of person(s) who manage that department;

ANSWER:

INTERROGATORY NO. 7: Please identify by name and address any person and/or company/firm that receives/processes payments mailed by subscribers to Cingular for services provided.

ANSWER:

INTERROGATORY NO. 8: Please identify the system by name and location address which maintains the record including the history of accounts of Cingular subscribers.

ANSWER:

INTERROGATORY NO. 9: Please identify all the licenses, permits and certifications that Cingular has held by providing the name and address of the issuing entity.

ANSWER

INTERROGATORY NO. 10: Please state whether there has ever been an attempt to decertify and/or revoke any of the Cingular's business licenses, operating agreements, corporate charters, or certifications; if so please explain in detail the reason, identify the person/agency or the state initiating the process, outcome and the current status.

ANSWER:

INTERROGATORY NO. 11: Please state whether Cingular has ever been cited, charged, convicted of, or forfeited collateral for any felony, misdemeanor, or other violations. If so, please explain in details the nature of each violation, identify each agency(ies) involved, city, state (province), date, case number and final disposition of each.

ANSWER:

INTERROGATORY No. 12: Please state whether Cingular and/or any company over which Cingular exercises control, has ever been a party to any other lawsuit, legal proceeding before a judicial and/or quasi-judicial forum, litigation, filed for bankruptcy, been declared bankrupt, been subject to a tax lien, or had legal judgment rendered against you/it for a debt. If so, please give case style, number, jurisdiction, docket number, date, city, state, identify other parties involved and explain in detail the nature and final disposition.

ANSWER:

INTERROGATORY No. 13: Please state whether Cingular has ever been cited, warned or fined by any federal, state, county, city or local municipality administering or enforcing agency, for any violations including but not limited to violation of consumer protection laws. If so, please identify and explain in details the nature of violation, the agency(ies) involved , city, state (province), date, case number and final disposition.

ANSWER:

INTERROGATORY No. 14: Please identify all agents or employees of Cingular who participated in negotiations or communications

with the Complainant prior to and/or after the initiation of the instant complaint.

ANSWER:

INTERROGATORY No. 15: Please identify all agent(s) or employee(s) of Cingular who communicated with the Commission concerning the instant complaint.

ANSWER:

INTERROGATORY NO. 16: Please identify any document - including promotional materials, applications and transactional documents - that was presented to Complainant by any agent or employee of Cingular who participated in negotiations or communications with Complainant.

ANSWER:

INTERROGATORY NO. 17: Please state the dates on which the Complainant's cellular service was suspended.

ANSWER:

INTERROGATORY NO. 18: Please state whether Cingular uses a computer to store information regarding sales, repairs, financing, customer contacts, complaints or collections? If so, provide:

- a. the location of that computer,
- b. a location within Jefferson County where the information can be accessed,
- c. the format in which that information is stored [i.e.] database, spreadsheet or word processing,
- d. the available storage media format in which that information may be produced [i.e.] 3 1/2 floppy or tape, and
- e. an individual who may properly be deposed who has access to the computer and the information. If no such individual exists, identify the same information for an individual who may be deposed within this state.

ANSWER:

INTERROGATORY NO. 19: Please state whether you have received or have knowledge of existence of a notice or communication of any kind from the Complainant or someone on behalf of Complainant relating to the issues complained.

ANSWER:

INTERROGATORY NO. 20: Please identify any person, including but not limited to current or former Cingular employees by providing full name and person's last known address and telephone number:

- a. Who has made or given any statement, communication, whether oral or in writing, or in form of audio, video and/or magnetic diskette/tape recording to any person regarding claims or allegations of this complaint. If so, please state the date, the form of statement, whether oral, in writing, stenographic transcription or otherwise and the substance and content of each such statement or communication.
- b. Who has investigated the claims or allegations of this complaint.
- c. Whom has knowledge of any statement made by the Complainant concerning the claims or allegations complained of herein.
- d. Who, other than the persons previously identified, you reasonably believe possess, or claims to possess, knowledge or information or any factual records relevant to the claims or allegations complained of herein.
- e. Who has conducted any type of surveillance activities on Complainant, his family, his residence and/or his business.
- f. Who is a lay or fact witness knowledgeable about, or persons having knowledge of discoverable facts pertinent to the events, claims or allegations related

in any way to the issues complained of herein.

- g. State briefly what knowledge or information each such individual is believed to possess.

ANSWER:

INTERROGATORY No. 21: Please identify all experts expected to testify at the Commission's hearing and for each expert, state the subject matter on which the expert is expected to testify, the day each expert was first contacted, the experts' employment relationship to Cingular, the experts' qualifications and experience relative to the matters in controversy, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each such opinion.

ANSWER:

INTERROGATORY No. 22: Please fully describe the security measures put in place by Cingular or its agents to ensure the personal information of subscribers are not copied/duplicated for unauthorized use.

ANSWER:

INTERROGATORY No. 23: Please fully identify all records/documents in possession of Cingular or its agents concerning the policies, procedures, security, storage and use of

social security number of subscribers.

ANSWER:

INTERROGATORY No. 24: Please fully identify and describe the instances when Cingular employees and/or agents were disciplined, cited, reprimanded and/or dismissed for unauthorized access and/or use of personal information of subscribers.

ANSWER:

INTERROGATORY No. 25: Please fully identify the telephone carrier(s) used by the customer service of Cingular when contacting subscribers in Kentucky.

ANSWER:

INTERROGATORY No. 26: Please fully identify the firms, companies and any other entity with which Cingular shares/exchanges subscribers' information.

ANSWER:

INTERROGATORY No. 27: Please fully identify the subscriber whose account was credited by the payment of \$55.46 made on behalf of Complainant.

ANSWER:

INTERROGATORY No. 28: Please fully identify all persons, records and documents that authorized the suspension of Complainant's Cingular wireless service.

ANSWER:

INTERROGATORY No. 29: Please fully identify and describe Cingular's process of auditing subscribers accounts to identify payments, non-payment and to prevent misapplication of funds.

ANSWER:

INTERROGATORY No. 30: Please fully identify the Cingular managers of the following centers: Johnson City Tennessee and Tampa Florida and any center that handles Kentucky.

ANSWER:

INTERROGATORY No. 31: Please fully identify and describe messages that were broadcasted on subscribers wireless phone whose service were suspended prior to October of 2003, notifying the subscriber the reason for the suspension of wireless service.

ANSWER:

INTERROGATORY No. 32: Please fully identify and describe the messages broadcasted when subscribers who had called Cingular's

Customer Service were put on hold prior to October of 2003.

ANSWER:

INTERROGATORY No. 32: Please fully identify and describe the method used by Cingular to measure the time subscribers calls to the Cingular's Customer Service are put on hold until a representative answers the call.

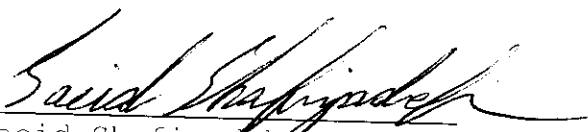
ANSWER:

REQUEST FOR PRODUCTION

REQUEST NO. 1: Please produce all documents utilized in determining or preparing the answer to any of the Interrogatories served concurrently herewith, including but not limited to all exhibits you will use at the Commission's Hearing.

RESPONSE:

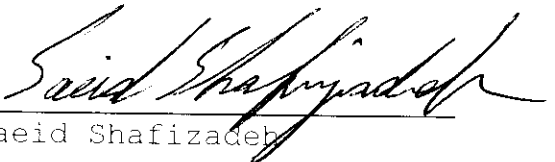
Respectfully Submitted


Saeid Shafizadeh, Consumer
Attorney at Law
P.O. Box 21244
Louisville, Kentucky 40221
(502) 363-0000

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served in U.S. Mail with First Class postage prepaid on this March 9, 2004, addressed to:

Jeffrey J. Yost
Jackson Kelly PLLC
175 East Main Street, Suite 500
Lexington, Kentucky 40507


Saeid Shafizadeh